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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

**IN RE GOOGLE PLAY STORE  
 ANTITRUST LITIGATION**

THIS DOCUMENT RELATES TO:

*State of Utah, et. al., v. Google LLC, et. al.,*  
 Case No. 3:21-cv-5227-JSC

*Epic Games Inc. v. Google LLC et. al.,*  
 Case No. 3:20-cv-05671-JD

*In re Google Play Consumer Antitrust  
 Litigation, Case No. 3:20-cv-05761-JD*

*In re Google Play Developer Antitrust  
 Litigation, Case No. 3:20-cv-05792-JD*

Case No. 3:21-md-02981-JD

**ADMINISTRATIVE MOTION  
 TO CONSIDER WHETHER  
 CASES SHOULD BE RELATED**

Judge James Donato

Pursuant to N.D. Cal. Civil L.R. 3-12, Plaintiffs the State of Utah and its co-plaintiff States, Commonwealths, and Districts (collectively the “Plaintiff States”) respectfully move the Court for consideration of whether the recently filed case, *State of Utah, et. al. v. Google LLC, et.*

Administrative Motion re Related Cases  
 3:21-md-2981-JD

1 *al.*, Case No. 3:21-cv-5227-JSC, should be deemed related to the following cases (collectively the  
 2 “In Re Play Store Actions”), all of which have been transferred, for pretrial proceedings, into  
 3 MDL Case No. 2981:

4 *Epic Games Inc. v. Google LLC et. al.*, Case No. 3:20-cv-05671-JD;

5 *In re Google Play Consumer Antitrust Litigation*, Case No. 3:20-cv-05761-JD; and

6 *In re Google Play Developer Antitrust Litigation*, Case No. 3:20-cv-05792-JD.

### 7 8 **RELATIONSHIP OF ACTIONS**

9 *State of Utah, et. al. v. Google LLC, et. al.*, Case No. 3:21-cv-5227-JSC (the “States’ Play  
 10 Store Case”) is an action for, among other things, violations of Sections 1 and 2 of the Sherman  
 11 Act, 15 U.S.C. §§ 1, 2, violations of California’s Cartwright Act, Cal. Bus. & Prof. Code § 16700  
 12 *et seq.*, and various state antitrust and consumer protection statutes.

13 Regarding the criteria set forth in N.D. Cal. L.R. 3-12(a), the States’ Play Store Case  
 14 involves common defendants, namely, Google LLC, Google Ireland, Limited, Google Commerce  
 15 Limited, Google Asia Pacific Pte. Limited, and Google Payment Corp.

16 The States’ Play Store Case will also present issues of fact and law that are common to each  
 17 of the other In Re Play Store Actions, such that duplication of labor and potentially conflicting  
 18 results may be avoided by assigning the State’s Play Store Case to the Honorable James Donato  
 19 who presides over MDL No. 2981. By way of example only, the States’ Play Store Case and each  
 20 of the In Re Play Store Actions present the following common issues:

- 21 • Relevant market definition concerning the market for the distribution of applications  
 22 (commonly called “apps”) on mobile devices, such as cell phones and tablets, that are  
 23 compatible with the Android mobile operating system;
- 24 • Google’s alleged monopoly power in the relevant market;
- 25 • The effect on competition by Google’s alleged anti-competitive practices, including  
 26 Google’s alleged imposition of anti-competitive contractual terms on mobile device  
 27 manufacturers, mobile network operators, and app developers; and  
 28

- Google's alleged tying of its in-app payment processing service, Google Play Billing, to the use of Google's app distribution platform, the Google Play Store.

Moreover, the Plaintiff States have given careful consideration to whether this Court is the proper venue in which to bring the States' Play Store Case. Based on a review of the In Re Play Store Actions, as well as the Transfer Order in MDL No. 2981 dated February 5, 2021 (Dkt. 1), it is a near certainty that the State's Play Store Case, had it been filed in any district other than this District, would have been transferred into MDL No. 2981.

### **STATEMENT REGARDING STIPULATION**

In keeping with N.D. Cal. L.R. 7-11, the Plaintiff States have conferred with counsel for Google LLC (and its affiliates that are defendants), and all parties stipulate that this Motion should be granted. The parties' Stipulation and a Proposed Order have been submitted concurrently with this Motion.

### **CONCLUSION**

The Court should designate the States' Play Store Case as related to the In Re Play Store Cases in MDL No. 2981.

Dated: July 20, 2021

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By: s/Stephen Geary

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States*